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Before the  
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Washington, D.C.

SEP 22 2003  
GENERAL COUNSEL  
OF COPYRIGHT

In the Matter of

Distribution of 1998 and 1999  
Cable Royalty Funds

Docket No. 2001-8 CARP CD 98-99

**PROGRAM SUPPLIERS' FINAL EXHIBITS LIST**

Pursuant to the Order of the Copyright Arbitration Royalty Panel dated September 10, 2003, Program Suppliers hereby submit their final exhibit list (Attachment A) in the above captioned proceeding. The final exhibit list includes the attached documents labeled PS Demo Ex. 29, PS Demo Ex. 30, PS Demo Ex. 31, PS Demo Ex. 32, PS Demo Ex. 33, PS Demo Ex. 34, and PS Demo Ex. 35 (Attachment B), which Program Suppliers moved into the record during closing arguments on September 15, 2003 but without exhibit numbers.

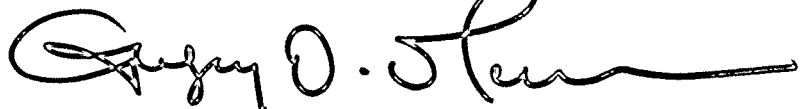
Program Suppliers derived PS Demo Exs. 29 through 35 from evidence already in the record. PS Demo Exs. 29-31 appear in Dr. Gruen's direct and rebuttal testimony. PS Demo Exs. 32 and 33 come from Mr. Lindstrom's direct testimony and constitute a portion of previously admitted PS Demo 19 (Summary of 1998 & 1999 Viewing Study). PS Demo 34 originally appears in Program Suppliers' Proposed Phase I Findings of Fact and Conclusions of Law Introduction. PS Demo 35 finds its source in PS Exs. 20 and 22 (1998 & 1999 Viewing Studies), and NAB's Reply Proposed Findings of Fact and Conclusions of Law at 21. As explained during closing arguments, PS Demo Ex. 35 is substantially the same as that which NAB presented in its Reply Proposed Findings except it uses 18-49 demographic viewing data rather

than household viewing data. Thus, none of these exhibits present any new data or information extrinsic to the record.

As the CARP liberally admitted demonstrative exhibits into the record during the hearing phase, Program Suppliers request that the same treatment be afforded to PS Demo Exs. 29 through 35. Admitting these demonstrative exhibits will help clarify the record with respect to Final Argument and will not prejudice any of the parties.

Respectfully submitted,

**STINSON MORRISON HECKER LLP**

A handwritten signature in black ink, appearing to read "Gregory O. Olaniran", with a long horizontal flourish extending to the right.

Gregory O. Olaniran  
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Attorneys for Program Suppliers

September 22, 2003<sup>1</sup>

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<sup>1</sup> Program Suppliers are filing this Final Exhibit List on Monday, September 22, 2003 rather than September 19, 2003, the date proscribed by the September 10, 2003 CARP Order, because the Copyright Office was closed due to inclement weather.

## **Attachment A**

Before the  
**COPYRIGHT OFFICE**  
**LIBRARY OF CONGRESS**  
**Washington, D.C. 20540**

In the Matter of:	)	
	)	
Distribution of the 1998 and 1999	)	Docket No:
Cable Royalty Funds	)	2001-8 CARP-CD 98-99
	)	

**PROGRAM SUPPLIERS' FINAL EXHIBIT LIST**  
**(as of September 19, 2003)**

<b><u>PS WITNESS DIRECT CASE EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WITNESS</u></b>	<b><u>ADMITTED</u></b>
PS 98-99 Ex. 1	Bio of Jack Valenti (Written Direct Testimony attachment)	Jack Valenti	Substantive April 24, 2003
PS 98-99 Ex. 2	Hunting and Fishing Related Articles (Written Direct Testimony DW-1)	Donald "Babe" Winkelman	Substantive April 24, 2003
PS 98-99 Ex. 3	Signal Carriage Rules (Written Direct Testimony MK-1)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 4	Listing of Program Supplier Claimants to 1998 & 1999 Cable Royalties (Written Direct Testimony MK-2)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 5	Short Form SA1-2 (Statement of Account Form) (Written Direct Testimony MK-3)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 6	SA3 Long Form (Statement of Account Form) (Written Direct Testimony MK-4)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 7	Licensing Division Report of Receipts (Written Direct Testimony MK-5)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 8	47 C.F.R. § 76.51 Major Television Markets (Written Direct Testimony MK-6)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 9	Criteria for Determining Whether a Station Is Local (Written Direct Testimony MK-7)	Marsha Kessler	Substantive April 24, 2003

PS 98-99 Ex. 9A	Nebraska map from Warren Publishing's Cable & Station Coverage Atlas (Written Direct Testimony MK-7A)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 9B	KGW Signal data from Warren Publishing's Television & Cable Factbook (Written Direct Testimony MK-7B)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 9C	Vermont & Virginia listings from Warren Publishing's Cable & Station Coverage Atlas (Written Direct Testimony MK-7C)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 9D	J through L listing of counties in ADI Markets from Arbitron Data (Written Direct Testimony MK-7D)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 10	Stations in Program Suppliers 1998 Special Nielsen Study (Written Direct Testimony MK-8)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 11	Stations in Program Suppliers 1999 Special Nielsen Study (Written Direct Testimony MK-9)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 12	Local County Analysis for a Commercial Station Licensed to a Major Market (Written Direct Testimony MK-10)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 13	Local County Analysis for a Commercial Station Licensed to a Smaller Market (Written Direct Testimony MK-11)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 14	Local County Analysis for Noncommercial Educational Stations (Written Direct Testimony MK-12)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 15	Categorization Television Programs (Written Direct Testimony MK-13)	Marsha Kessler	Substantive April 24, 2003
PS 98-99 Ex. 16	CDC Memo of March 14, 2002 to All Subscribing Clients regarding Analysis of Zero Distant Carriage and Calculation of Fees-Generated (Written Direct Testimony JM-1)	Jonda Martin	Substantive April 24, 2003
PS 98-99 Ex. 17	Photographs of Young Girl Using Different Resolutions (Written Direct Testimony PL-1)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 18	Nielsen National Reference Supplement (Written Direct Testimony PL-2)	Paul Lindstrom	Substantive April 24, 2003

PS 98-99 Ex. 19	Nielsen National Custom Analysis MPAA Metered 1998 – Boilerplate (Written Direct Testimony PL-3)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 20	Nielsen National Custom Analysis MPAA Metered 1998 – Study Results (Written Direct Testimony PL-4)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 21	Nielsen National Custom Analysis MPAA Metered 1999 - Boilerplate (Written Direct Testimony PL-5)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 22	Nielsen National Custom Analysis MPAA Metered 1999 – Study Results (Written Direct Testimony PL-6)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 23	Standard Error and Relative Error Estimates for the 1998 Nielsen Study (Written Direct Testimony PL-7)	Paul Lindstrom	Substantive April 24, 2003
PS 98-99 Ex. 24	Standard Error and Relative Error Estimates for the 1999 Nielsen Study (Written Direct Testimony PL-8)	Paul Lindstrom	Substantive April 24, 2003

<b><u>DIRECT CROSS- EXAMINATION EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WITNESS</u></b>	<b><u>ADMITTED</u></b>
PS 98-99 Ex. 1-X	NCTA: Television & Cable Households 1979-2001	Dr. Ducey	Substantive May 6, 2003
PS 98-99 Ex. 2-X	NCTA: Cable Systems 1970-2002	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 3-X	NAB's Unweighted Minutes of Programming By Program Category 1992, 1998 & 1999	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 4-X	NAB's Unweighted Minutes & Program Category Shares - 1992, 1998 & 1999	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 5-X	Breakdown of Unweighted Program Minutes in NAB Study on Independent & Network Affiliates - 1992, 1998 & 1999	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 6-X	SSF3SUMS: CDC Summary for Accounting Periods 1992-1 thru 1999-2	Dr. Ducey	Substantive May 6, 2003

PS 98-99 Ex. 7-X	Summary of Change in Carriage & Subscriber Instances for Network Affiliates 1992-1999	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 8-X	Mass Media Article from August 4, 1997	Dr. Ducey	Substantive May 6, 2003
PS 98-99 Ex. 9-X	Licensing Division Report of Receipts	Dr. Ducey	Substantive May 6, 2003
PS 98-99 Ex. 10-X	NCTA: Cable Revenue from Subscriber Services 1991-2001	Dr. Ducey	Substantive May 6, 2003
PS 98-99 Ex. 11-X	Comparison between Basic Cable Revenues and Gross Receipts	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 12-X	Most of NAB's Proffered Representative Programs From Ducey's 1990-92 Testimony were not aired in 1998 & 1999	Dr. Ducey	Impeachment May 6, 2003
PS 98-99 Ex. 13-X	Cable News Nets Go Small Broadcasting & Cable Article from September 27, 1999	Mr. Alexander	Impeachment May 8, 2003
PS 98-99 Ex. 14-X	US Fugitive Out on Bail CNN.com article February 18, 1999 re: Ira Einhorn	Mr. Alexander	Impeachment May 8, 2003
PS 98-99 Ex. 15-X	1992 Calendar from Dr. Fratrik workpapers	Dr. Fratrik	Substantive May 8, 2003
PS 98-99 Ex. 16-X	1998 Calendar from Dr. Fratrik workpapers	Dr. Fratrik	Substantive May 8, 2003
PS 98-99 Ex. 17-X	1999 Calendar from Dr. Fratrik workpapers	Dr. Fratrik	Substantive May 8, 2003
PS 98-99 Ex. 18-X	Screen shot of Rosston's Master_Data_Set_Revised showing the impact of DSE values on Royalties	Dr. Rosston	Impeachment May 9, 2003
PS 98-99 Ex. 19-X	Phil Kloer, <i>PBS To Test Prime-Time Changes in 7 cities</i> , Atlanta Journal-Constitution (June 10, 2000)	Mr. Wilson	Wilson quotes = Substantive; Other = Impeachment May 13, 2003

PS 98-99 Ex. 20-X	Gail Shister, <i>'Masterpiece' Moves as PBS Shakes up its Schedule</i> , Seattle Times (June 15, 2000)	Mr. Wilson	Wilson quotes = Substantive; Other = Impeachment May 13, 2003
PS 98-99 Ex. 21-X	Hal Boedeker, <i>PBS Hopes to Freshen Lineup</i> , Orlando Sentinel (July 14, 2000)	Mr. Wilson	Wilson quotes = Substantive; Other = Impeachment May 13, 2003
PS 98-99 Ex. 22-X	Harry Berkowitz, <i>PBS Programming to Get an Update</i> , Newsday (March 28, 2002)	Mr. Wilson	Wilson quotes = Substantive; Other = Impeachment May 13, 2003
PS 98-99 Ex. 23-X	M.S. Mason, <i>PBS Faces up to the Competition</i> , Christian Science Monitor (May 4, 2001)	Mr. Wilson	Wilson quotes = Substantive; Other = Impeachment May 13, 2003
PS 98-99 Ex. 24-X	1998-99 PBS Communications Plan (Confidential)	Mr. Wilson	Substantive May 13, 2003
PS 98-99 Ex. 25-X	Elizabeth Jensen, <i>A Network's Mastery has gone to pieces</i> , L.A. Times (May 12, 2002)	Mr. Wilson	Impeachment May 13, 2003
PS 98-99 Ex. 26-X	Media in the Home 1999, Annenberg Public Policy Center	Mr. Fuller	Substantive May 14, 2003
PS 98-99 Ex. 27-X	Paula Bernstein, <i>Nader gives 'Sesame' the Bird</i> , Hollywood Reporter (October 7, 1998)	Mr. Fuller	Impeachment May 14, 2003
PS 98-99 Ex. 28-X	Sally Beatty, <i>Critics Claim PBS Has Gotten Too Close to its Underwriters</i> , The Wall Street Journal (July 11, 2002)	Mr. Fuller	Impeachment May 14, 2003
PS 98-99 Ex. 29-X	Sesame Street Web Shots	Mr. Fuller	Impeachment May 14, 2003



PS 98-99 Ex. 30-X	Arthur Web Shots	Mr. Fuller	Impeachment May 14, 2003
PS 98-99 Ex. 31-X	Barney Web Shots	Mr. Fuller	Impeachment May 14, 2003
PS 98-99 Ex. 32-X	Dragon Tales Web Shots	Mr. Fuller	Impeachment May 14, 2003
PS 98-99 Ex. 33-X	Sylvia M. Chan-Olmsted and Yungwook Kim, The PBS Brand Versus Cable Brands: Assessing the Brand Image of Public Television in a Multichannel Environment, Journal of Broadcasting & Electronic Media (June 2002)	Mr. Fuller	Substantive May 14, 2003
PS 98-99 Ex. 34-X	Cable Audience Report	Mr. Fuller	Substantive May 14, 2003
PS 98-99 Ex. 35-X	CDC SSFSUMS October 24, 2002	Mr. Johnson	Substantive May 15, 2003
PS 98-99 Ex. 36-X	1983, 1991, 1992, 1998, 1999 Calendar Worksheets	Dr. Boyle	Impeachment May 21, 2003
PS 98-99 Ex. 37-X	Fees Generated By Remaining Stations	Dr. Boyle	Substantive May 21, 2003
PS 98-99 Ex. 38-X	Alliance Atlantis' 1999 Annual Report	Ms. Wood	Substantive May 22, 2003
PS 98-99 Ex. 39-X	CDC Analysis of 1998 Minimum Fee Systems within Canada Zone	Mr. Bennett	Impeachment May 23, 2003
PS 98-99 Ex. 40-X	CDC Analysis of 1999 Minimum Fee Systems within Canada Zone	Mr. Bennett	Impeachment May 23, 2003
PS 98-99 Ex. 41-X	Distant Signal Questionnaire (#3982)	Dr. Ringold	Substantive May 28, 2003
PS 98-99 Ex. 42-X	Distant Signal Questionnaire (#3984)	Dr. Ringold	Substantive May 28, 2003

PS 98-99 Ex. 43-X	Call Sheet # 3991	Dr. Ringold	Substantive May 28, 2003
PS 98-99 Ex. 44-X	Signal Carriage Questionnaire (#4001)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 45-X	Distant Signal Questionnaire (#4015)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 46-X	Distant Signal Questionnaire (#5051)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 47-X	Distant Signal Questionnaire (#5006)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 48-X	Distant Signal Questionnaire (#5008)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 49-X	Signal Carriage Questionnaire (#4050)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 50-X	Distant Signal Questionnaire (#4000)	Dr. Ringold	Substantive May 28,2003
PS 98-99 Ex. 51-X	Signal Carriage Questionnaire (#4039)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 52-X	Distant Signal Questionnaire (#5004)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 53-X	Signal Carriage Questionnaire (#4047)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 54-X	Distant Signal Questionnaire (#4025)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 55-X	Distant Signal Questionnaire (#3994)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 56-X	Distant Signal Questionnaire (#3996)	Dr. Ringold	Substantive May 29,2003

PS 98-99 Ex. 57-X	Distant Signal Questionnaire (#5003)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 58-X	Distant Signal Questionnaire (#4992)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 59-X	Distant Signal Questionnaire (#5015)	Dr. Ringold	Substantive May 29,2003
PS 98-99 Ex. 60-X	Distant Signal Questionnaire (#5052)	Dr. Ringold	Substantive May 29,2003

<b><u>PS WITNESS REBUTTAL CASE EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WITNESS</u></b>	<b><u>ADMITTED</u></b>
PS 98-99 Ex. 1-R	Washington Post Magazine: Temptation of a TV Virgin (2/26/2003) (Written Rebuttal Testimony RJT-1R)	Robert J. Thompson	Substantive June 20, 2003
PS 98-99 Ex. 2-R	Outputs from STATA software (Written Rebuttal Testimony MRF-2R)	Martin R. Frankel	Substantive June 20, 2003
PS 98-99 Ex. 3-R	Percentage of Total Subscribers Covered by Nielsen Sample - 1998 & 1999 (Written Rebuttal Testimony MEK-1R)	Marsha E. Kessler	Substantive June 20, 2003
PS 98-99 Ex. 4-R	Tables of MPAA Metered Data for 3.75 fee paying stations in 1998 & 1999 (Written Rebuttal Testimony MEK-2R)	Marsha E. Kessler	Substantive June 20, 2003
PS 98-99 Ex. 5-R	Range of Titles of Program Suppliers 1998-1999 Claim (Written Rebuttal Testimony MEK-3R)	Marsha E. Kessler	Substantive June 20, 2003

<b><u>REBUTTAL CROSS- EXAMINATION EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WITNESS</u></b>	<b><u>ADMITTED</u></b>
PS 98-99 Ex. 1-RX	Time Warner 1998 Annual Report Excerpt	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 2-RX	Multichannel News Article: A highly Original Interview with HBO's Albrecht (6/11/2001)	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 3-RX	Broadcasting & Cable Article: Only on Cable (October 26, 1998)	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 4-RX	The Museum of Broadcast Communications Webpages	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 5-RX	Kagan's Cable TV Investor Cable Industry 10-Year Projections (June 25, 1999)	Dr. Ducey	Substantive July 10, 2003
PS 98-99 Ex. 6-RX	Projected Ancillary Revenue Streams	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 7-RX	Beta Research and Cable Subscriber Study interest in Mid-sized and Emerging/Digital Cable Networks	Dr. Ducey	Substantive July 10, 2003
PS 98-99 Ex. 8-RX	Calculations A, B, & C: Analysis of Beta Research and Cable Subscriber Study by Demographic Group	Dr. Ducey	Impeachment July 10, 2003
PS 98-99 Ex. 9-RX	List of Materials Reviewed by Joskow	Dr. Joskow	Substantive July 10, 2003
PS 98-99 Ex. 10-RX	Qualitative Ratings Report (Audience Attitudes)	Mr. Fuller	Substantive July 16, 2003
PS 98-99 Ex. 11-RX	License Fees	Mr. Fuller	Impeachment July 16, 2003

<b><u>DEMO EXHIBIT</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>WITNESS</u></b>	<b><u>ADMITTED</u></b>
PS Demo Ex. 1	1990-92 December 15, 1995 Testimony of Dr. Ducey pp. 2230-2231	Dr. Ducey	May 6, 2003
PS Demo Ex. 2	1990-92 December 15, 1995 Testimony of Dr. Ducey pp. 2110-2113	Dr. Ducey	May 6, 2003
PS Demo Ex. 3	pp. 17-34 of Dr. Ducey written direct testimony from 90-92	Dr. Ducey	May 6, 2003
PS Demo Ex. 4	Stipulation of the Parties on the issues of Program Categorization and Scope of Claims	Dr. Fratrik	May 8, 2003
PS Demo Ex. 5	"Quality" quote from '90-92 CARP Decision	Mr. Wilson	May 13, 2003
PS Demo Ex. 6	Excerpt from '90-92 Sieber Testimony	Mr. Fuller	May 14, 2003
PS Demo Ex. 7	Media in the Home Chart	Mr. Fuller	May 14, 2003
PS Demo Ex. 8	Chris McConnell, <i>PBS Keeps its Head Above Cable</i> , Broadcasting & Cable Magazine (August 10, 1998)	Mr. Fuller	May 14, 2003
PS Demo Ex. 9	Chart re: PBS v. Look-alikes	Mr. Fuller	May 14, 2003
PS Demo Ex. 10	License Fees: Fuller Calculations	Mr. Fuller	May 15, 2003
PS Demo Ex. 11	Ft. Lauderdale Sun Sentinel Article (June 22, 1996)	Mr. Saltzman	May 16, 2003
PS Demo Ex. 12	Excerpt from Testimony by J. Wilson	Mr. Lyons	May 19, 2003
PS Demo Ex. 13	1992 Wood Testimony Excerpt	Ms. Wood	May 22, 2003
PS Demo Ex. 14	Comparison of Valuation for Canadian Stations	Dr. Ringold	May 28, 2003
PS Demo Ex. 15	Comparison of Bennett and Ringold Allocations	Dr. Ringold	May 28, 2003
PS Demo Ex. 16	Slides of Opening Statement		June 2, 2003
PS Demo Ex. 17	County Analysis Flow Chart	Ms. Kessler	June 2, 2003
PS Demo Ex. 18	Illustration of Sampling-baseball player	Mr. Lindstrom	June 9, 2003
PS Demo Ex. 19	Summary of 1998 & 1999 Viewing Study	Mr. Lindstrom	June 9, 2003
PS Demo Ex. 20	Program Non-Parity	Mr. Johnson	July 11, 2003
PS Demo Ex. 21	17 U.S.C. § 111 (Historical and Statutory Notes)	Mr. Johnson	July 11, 2003
PS Demo Ex. 22	Program Appeal and Avidity	Mr. Fuller	July 16, 2003
PS Demo Ex. 23	Average Program Appeal	Mr. Fuller	July 16, 2003
PS Demo Ex. 24	License Fees for Fuller-Identified Cable Networks	Mr. Fuller	July 16, 2003

PS Demo Ex. 25	Gruen Demand Curve Illustration Showing Marginal Cost/Marginal Revenue	Dr. Gruen	July 18, 2003
PS Demo Ex. 26	Gruen Demand Curves for Program Suppliers and Commercial TV	Dr. Gruen	July 18, 2003
PS Demo Ex. 27	Pay in v. Market Value	Dr. Gruen	July 18, 2003
PS Demo Ex. 28	Gruen Calculations	Dr. Gruen	June 10, 2003
PS Demo Ex. 29	Slide 1 from Final Argument (License Fees and Prime Time Ratings)		September 15, 2003
PS Demo Ex. 30	Slide 2 from Final Argument (Cable System Construction & Upgrade Spending)		September 15, 2003
PS Demo Ex. 31	Slide 3 from Final Argument (Projected Ancillary Revenue Streams)		September 15, 2003
PS Demo Ex. 32	Slide 4 from Final Argument (Summary of Viewing Results for 1998)		September 15, 2003
PS Demo Ex. 33	Slide 5 from Final Argument (Summary of Viewing Results for 1999)		September 15, 2003
PS Demo Ex. 34	Slide 6 from Final Argument (Program Suppliers' Proposed Final Royalty Shares)		September 15, 2003
PS Demo Ex. 35	Slide 7 from Final Argument (Gruen Calculation Using NAB Methodology)		September 15, 2003

## **Attachment B**

## License Fees and Prime Time Ratings

<i>Category</i>	<i>Prime Time Ratings</i>			<i>License Fees Per HH</i>		
	<i>1998</i>	<i>1999</i>	<i>Avg.</i>	<i>1998</i>	<i>1999</i>	<i>Avg.</i>
Top 11 Rated Networks	1.65	1.60	1.63	3.46	3.77	3.61
Middle 11 Rated Networks	0.79	0.74	0.73	1.31	1.36	1.34
Bottom 10 Rated Networks	0.35	0.40	0.37	0.75	0.85	0.80

*Source: Gruen Direct Testimony, at 12.*



**Cable System Construction and Upgrade Spending (\$ Millions)**

<i><b>Year</b></i>	<i><b>Annual Spending</b></i>	<i><b>Cumulative Spending Since 1996</b></i>
<b>1996</b>	<b>5,670</b>	
<b>1997</b>	<b>6,810</b>	<b>12,480</b>
<b>1998</b>	<b>5,610</b>	<b>18,090</b>
<b>1999</b>	<b>10,620</b>	<b>28,710</b>
<b>2000</b>	<b>12,430</b>	<b>41,140</b>
<b>2001</b>	<b>14,290</b>	<b>55,430</b>

*Source: Gruen Direct Testimony, at 17.*

### Projected Ancillary Revenue Streams (\$ Millions)

<i>Category</i>	<i>1998</i>	<i>2002</i>
Digital Revenue	105	2,704
Pay-per-view/video-on-demand	627	1,840
High-Speed Internet Access	145	2,389
Cablephone	365	3,394
Total Ancillary Revenues	1,242	10,327
Total Cable Operator Revenue	33,484	51,933
Ancillary Share of Total Revenues (%)	3.7	19.9

*Source: Gruen Rebuttal Testimony, at 18.*

# **Nielsen Media Research Summary of Viewing Results for 1998**

## **1998 Viewing Shares by Demographic Groups**

**Total Year (Jan – Dec 1998)**

	<u><b>2+</b></u>	<u><b>2-17</b></u>	<u><b>18-49</b></u>	<u><b>50+</b></u>
<b>Syndicated Series, Specials, Movies (Program Suppliers)</b>	<b>59.1 %</b>	<b>67.2%</b>	<b>71.3 %</b>	<b>41.0%</b>
<b>Sports (Joint Sports Claimants)</b>	<b>9.4%</b>	<b>3.8%</b>	<b>8.9%</b>	<b>12.9%</b>
<b>Local (National Association of Broadcasters)</b>	<b>14.4%</b>	<b>4.3%</b>	<b>9.8%</b>	<b>25.0%</b>
<b>Devotional Series (Devotional Claimants)</b>	<b>0.5%</b>	<b>0.2%</b>	<b>0.8%</b>	<b>0.4%</b>
<b>Non-commercial (Public Television)</b>	<b>16.5%</b>	<b>24.4%</b>	<b>9.1%</b>	<b>20.6%</b>
<b>Other</b>	<b>.1%</b>	<b>.1%</b>	<b>.2%</b>	<b>.1%</b>
	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Source: Pages 3, 4, 5, 6, 7 & 17 of PS Exhibit (PL-4)**

# **Nielsen Media Research Summary of Viewing Results for 1999**

## **1999 Viewing Shares by Demographic Groups**

**Total Year (Jan – Dec 1999)**

	<b><u>2+</u></b>	<b><u>2-17</u></b>	<b><u>18-49</u></b>	<b><u>50+</u></b>
<b>Syndicated Series, Specials, Movies (Program Suppliers)</b>	<b>59.5%</b>	<b>67.3%</b>	<b>67.9%</b>	<b>43.2%</b>
<b>Sports (Joint Sports Claimants)</b>	<b>8.1%</b>	<b>3.5%</b>	<b>5.0%</b>	<b>14.9%</b>
<b>Local (National Association of Broadcasters)</b>	<b>14.8%</b>	<b>5.6%</b>	<b>13.1%</b>	<b>22.7%</b>
<b>Devotional Series (Devotional Claimants)</b>	<b>.8%</b>	<b>.3%</b>	<b>.8%</b>	<b>1.0%</b>
<b>Non-commercial (Public Television)</b>	<b>16.8%</b>	<b>23.3%</b>	<b>13.1%</b>	<b>18.1%</b>
<b>Other</b>	<b>.1%</b>	<b>.0%</b>	<b>.1%</b>	<b>.1%</b>
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Source: Pages 3, 4, 5, 6, 7 & 17 of PS Exhibit (PL-6)**

## Program Suppliers' Proposed Final Royalty Shares

	1998 percentage of <u>Basic</u> <u>3.75</u>		1999 percentage of <u>Basic</u> <u>3.75</u>	
Program Suppliers	72.00	78.50	72.00	78.50
NAB	6.80	8.24	6.80	8.24
PTV	3.82	0.0	3.90	0.0
Music	2.33	2.33	2.33	2.33
Canadian	1.47	0.11	1.56	0.27

## Gruen Calculation Using NAB Methodology

	A	B	C	D	E	F	G	H
	<i>1998 Viewing Share (18-49)</i>	<i>1999 Viewing Share (18-49)</i>	<i>Average 18- 49 Viewing Shares (1998-1999)</i>	<i>Weighted Time Percentages (Fratik Study 1998-1999)</i>	<i>Avidity Ratio (C/D)</i>	<i>Total 18-49 Viewing Minutes (1998-1999)</i>	<i>Adjusted 18- 49 Viewing Minutes (ExF)</i>	<i>Ratio- Adjusted Viewing Shares</i>
Program Suppliers	71.3%	67.9%	69.60%	60.38%	1.15	6,200,735	7,147,585	73.8%
Joint Sports Claimants	8.9%	5.0%	6.95%	4.91%	1.42	608,143	860,813	8.9%
Commercial TV	9.8%	13.1%	11.45%	13.00%	0.88	1,032,550	909,438	9.4%
PTV	9.1%	13.1%	11.10%	14.87%	0.75	1,004,076	749,512	7.7%
Devotional	0.8%	0.8%	0.80%	2.94%	0.27	68,947	18,761	0.2%

## CERTIFICATE OF SERVICE

I, Gregory O. Olaniran, hereby certify that I have caused a copy of the foregoing document in Docket No. 2001-8 CARP CD 98-99 to be served via hand-delivery or Federal Express as indicated below, this 22<sup>nd</sup> day of September 2003, to the following:

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